



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 8/19/2020
 ORM Number: LRH-2020-607-MUS
 Associated JDs: No
 Review Area Location¹: State/Territory: Ohio City: Zanesville County/Parish/Borough: Muskingum
 Center Coordinates of Review Area: Latitude 39.97835 Longitude -81.95194

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
Stream 1	6,180	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
Stream 2	1,167	linear feet	(a)(2) Intermittent tributary contributes

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.
² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.
³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	Section III B of this AJD form) at a location outside the area of interest (AOI), (reference Section III B of this AJD form).
Stream 3	878	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 3 is a intermittent tributary to Stream 1, an (a)(2) water an indirect tributary to the Muskingum River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form) at a location outside the area of interest (AOI), (reference Section III B of this AJD form).
Stream 7	1,608	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 7 is a intermittent tributary to Stream 1, an (a)(2) water an indirect tributary to the Muskingum River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form) at a location outside the area of interest (AOI), (reference Section III B of this AJD form).
Stream 10	392	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 10 is a intermittent tributary to Stream 1, an (a)(2) water an indirect tributary to the Muskingum River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form) at a location outside the area of interest (AOI), (reference Section III B of this AJD form).

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size		(a)(3) Criteria	Rationale for (a)(3) Determination
Pond 1	0.5	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Pond 1 is an impoundment of Stream 3, an (a)(2) water an indirect tributary to the Muskingum River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form) at a location outside the area of interest (AOI), (reference Section III B of this AJD form).

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 1	0.775	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 1 is an (a)(4) water that directly abuts Stream 2, an intermittent (a)(2) water in a typical year.



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 3a	0.071	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 3a is an (a)(4) water that directly abuts Stream 7, an intermittent (a)(2) water in a typical year.
Wetland 3b	0.078	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 3b is an (a)(4) water that directly abuts Stream 7, an intermittent (a)(2) water in a typical year.
Wetland 3c	0.121	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 3c is an (a)(4) water that directly abuts Stream 7, an intermittent (a)(2) water in a typical year.
Wetland 3d	0.215	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 3d is an (a)(4) water that directly abuts Stream 7, an intermittent (a)(2) water in a typical year.
Wetland 3e	0.109	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 3e is an (a)(4) water that directly abuts Stream 7, an intermittent (a)(2) water in a typical year.
Wetland 3f	0.128	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 3f is an (a)(4) water that directly abuts Stream 7, an intermittent (a)(2) water in a typical year.
Wetland 4a	0.419	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 4a is an (a)(4) water that directly abuts Stream 1, an perennial (a)(2) water in a typical year.
Wetland 4b	1.044	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 4b is an (a)(4) water that directly abuts Stream 1, an perennial (a)(2) water in a typical year.
Wetland 4d	0.077	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 4d is an (a)(4) water that directly abuts Stream 1, an perennial (a)(2) water in a typical year.
Wetland 4e	0.271	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 4e is an (a)(4) water that directly abuts Stream 1, an perennial (a)(2) water in a typical year.
Wetland 5	0.093	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 5 is an (a)(4) water that directly abuts Stream 10, an intermittent (a)(2) water in a typical year.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 2	0.069	acre(s)	(b)(1) Non-adjacent wetland.	Wetland C does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
				Section III B of this AJD form for typical year assessments.
Wetland 4c	0.178	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Wetland 4c, is an artificial (manmade) feature constructed entirely in uplands, to convey stormwater runoff, and is not subject to regulation under Section 404.
Wetland 2	0.069	acre(s)	(b)(1) Non-adjacent wetland.	Wetland C does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Pond 2	1.272	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Pond 2 contributes indirect flow to an (a)(1) water, however it is an artificial (manmade) feature constructed entirely in uplands and not an impoundment of a (a)(1)-(a)(3) water..
Stream 4	248	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 4 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments.
Stream 5	360	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 5 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments.
Stream 6	177	linear feet	(b)(3) Ephemeral feature, including an ephemeral	Stream 6 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments.



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			stream, swale, gully, rill, or pool.	
Stream 8	681	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 8 is an ephemeral stream and meets the definition of "ephemeral" in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments.
Stream 9	185	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 9 is an ephemeral stream and meets the definition of "ephemeral" in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: [Investigation of Waters of the United States Sindney Crossing, 2420 Wapokoneta Avenue, Sidney Ohio, 45365, Muskingum County, Ohio, dated August 3, 2020 and addendum dated August 14, 2020.](#)

This information **Select.** sufficient for purposes of this AJD.

Rationale: [N/A](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Within referenced JD report.](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Muskingum County, Ohio](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)
- USGS topographic maps: [1:24K Zanesville East, OH Quad.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	USACE Wetland Data Forms

B. Typical year assessment(s): A typical year occurs over a rolling thirty year period and includes the analysis of precipitation and other climatic variables to establish a normal period range (seasonally or annually) for a specific geographic region where the aquatic resource occurs. One point-in-time data source, 17 September 2018 (Dry Season), with a corresponding APT report, were included in the evaluation for the excluded features onsite. The antecedent precipitation tool was utilized to determine typical year for point-in-time data sources. Wetland adjacency was assessed on 17 September 2018. Based on the antecedent precipitation tool, 17 September 2018 is included during the WebWIMP dry



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season and has a Palmer Drought Severity Index of 4.88 extreme wetness. The 30-day rolling total for precipitation was higher than the 30-year normal range. Therefore, site conditions are higher than the typical year conditions. Even at a higher than normal range the non-jurisdictional features listed above had no adjacency and did not abut the (a)(2) streams located onsite.

- C. Additional comments to support AJD:** According to the National Flood Hazard FEMA map the site is located within Zone X area of minimal flood hazard.